

County of Los Angeles

Sheriff's Department Headquarters
4700 Ramona Boulevard
Monterey Park, California 91754-2169



LEROY D. BACA, SHERIFF

April 17, 2013

Deputy Oscar Nunez, #[redacted]

Dear Deputy Nunez:

On March 21, 2013, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB 2299474. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on April 16, 2013.

An investigation under File Number IAB 2299474, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.85, Fraternization; and/or 3-01/050.10, Performance to Standards; on or about July 19, 2011 through and including October 12, 2011, while assigned to the Court Services Transportation Bureau, you failed to conform to the work standards established for your position, and fraternized with and/or had an inappropriate and/or romantic and/or sexual relationship with a female inmate, [redacted] as evidenced by, but not limited to:

a) engaging Inmate [redacted] in personal conversations about your family, job, hobbies and personal interests, and/or allowing her to address you by your first name, and/or;

b) hugging, and/or holding hands/fingers, and/or kissing, and/or engaging in sexual activity with Inmate [redacted] inside a Court Services Transportation Bureau van and/or;

c) performing favors for, and/or receiving personal letters from Inmate [redacted], and/or failing to report such activity to a supervisor.

Your actions of fraternizing with an inmate under the care and control of the Sheriff's Department are completely contrary to this Department's Core Values, Mission and Creed and by those actions you have brought discredit and embarrassment upon yourself and the Los Angeles County Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders; and/or 3-01/050.10, Performance to Standards, on or about August 2011, you failed to conform to the work standards for your position, when you observed your partner, Deputy [redacted], point a handgun at [redacted] and/or verbally threaten her, without taking action, objecting to or attempting to prevent the incident, and/or failing to report the incident. By your actions, you have brought discredit and embarrassment upon yourself and the Sheriff's Department.

3. That in violation of Manual of Policy and Procedures Section 3-01/040.75, Failure to Make Statements and/or Making False Statements during Departmental Internal Investigations, on or about November 1, 2012, you made false and/or incomplete statements to Departmental investigators, as evidenced by, but not limited to:

   a) stating that you did not have a close and/or intimate relationship with Inmate [redacted] when she was incarcerated in the Los Angeles County Jail system in 2011, and/or words to that effect, and/or;

b) stating that you never held hands, and/or kissed, and/or engaged in sexual activity, and/or touched Inmate [redacted] in an intimate manner while she was incarcerated in the Los Angeles County jail system in 2011, and/or words to that effect.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 222 North Grand Avenue, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

RICHARD J. BARRANTES, CHIEF
COURT SERVICES DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

RJB:AEA:jp

c: Advocacy Unit
Crystal M. Miranda, Captain, Transportation Bureau
Internal Affairs Bureau
Office of Independent Review (OIR)
Kevin E. Hebert, Captain, Personnel Administration

761551N25A - SH-AD (11/90)

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: March 8, 2013

OFFICE CORRESPONDENCE FILE NO. IAB #IV 2299474

FROM: CRYSTAL M. MIRANDA, CAPTAIN
TRANSPORTATION BUREAU

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **OSCAR A. NUNEZ, #[redacted]**
DEPUTY SHERIFF
TRANSPORTATION BUREAU
COURT SERVICES DIVISION

Upon consideration of the facts developed in this investigation, I have determined that Subject Oscar Nunez shall be **discharged** from his position as Deputy Sheriff for the reasons set forth in the attached documentation. This decision may be reconsidered based upon the employee's response.

RICHARD J. BARRANTES, CHIEF

3-13-13
Date

CASE REVIEWED BY:

Karyn Mannis		
Karyn Mannis, Commander	Commander	Commander
03-19-13	03-19-13	3/19/13
Date	Date	Date

The evidence in this investigation supports the following charges:

1. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/050.85, Fraternization; and/or 3-01/050.10, Performance to Standards; on or about July 19, 2011 through and including October 12, 2011, while assigned to the Court Services Transportation Bureau, Subject Nunez failed to conform to the work standards established for his position, and fraternized with and/or had an inappropriate and/or romantic and/or sexual relationship with a female inmate, [redacted] as evidenced by, but not limited to:

   a) engaging Inmate [redacted] in personal conversations about his family, job, hobbies and personal interests, and/or allowing her to address him by his first name;

   b) hugging, and/or holding hands/fingers, and/or kissing, and/or engaging in sexual activity with Inmate [redacted] inside a Court Services Transportation Bureau van and/or;

   c) performing favors for, and/or receiving personal letters from Inmate [redacted] and/or failing to report such activity to a supervisor.

   Subject Nunez' actions of fraternizing with an inmate under the care and control of the Sheriff's Department are completely contrary to this Department's Core Values, Mission and Creed and by those actions Subject Nunez has brought discredit and embarrassment upon himself and the Los Angeles County Sheriff's Department.

2. That in violation of Manual of Policy and Procedures Sections 3-01/030.05, General Behavior; and/or 3-01/030.10, Obedience to Laws, Regulations, and Orders; and/or 3-01/050.10, Performance to Standards, on or about August 2011, Subject Nunez failed to conform to the work standards for his position, when he observed his partner, Deputy [redacted] point a handgun at [redacted] and/or verbally threaten her, without taking action, objecting to or attempting to prevent the incident, and/or failing to report the incident. By his actions, Subject Nunez has brought discredit and embarrassment upon himself and the Sheriff's Department.

3. That in violation of Manual of Policy and Procedures Section 3-01/040.75,

Failure to Make Statements and/or Making False Statements during Departmental Internal Investigations, on or about November 1, 2012, Subject Nunez made false and/or incomplete statements to Departmental investigators, as evidenced by, but not limited to:

a) stating that he did not have a close and/or intimate relationship with Inmate [redacted] when she was incarcerated in the Los Angeles County Jail system in 2011, and/or words to that effect, and/or;

b) stating that he never held hands, and/or kissed, and/or engaged in sexual activity, and/or touched Inmate [redacted] in an intimate manner while she was incarcerated in the Los Angeles County jail system in 2011, and/or words to that effect.

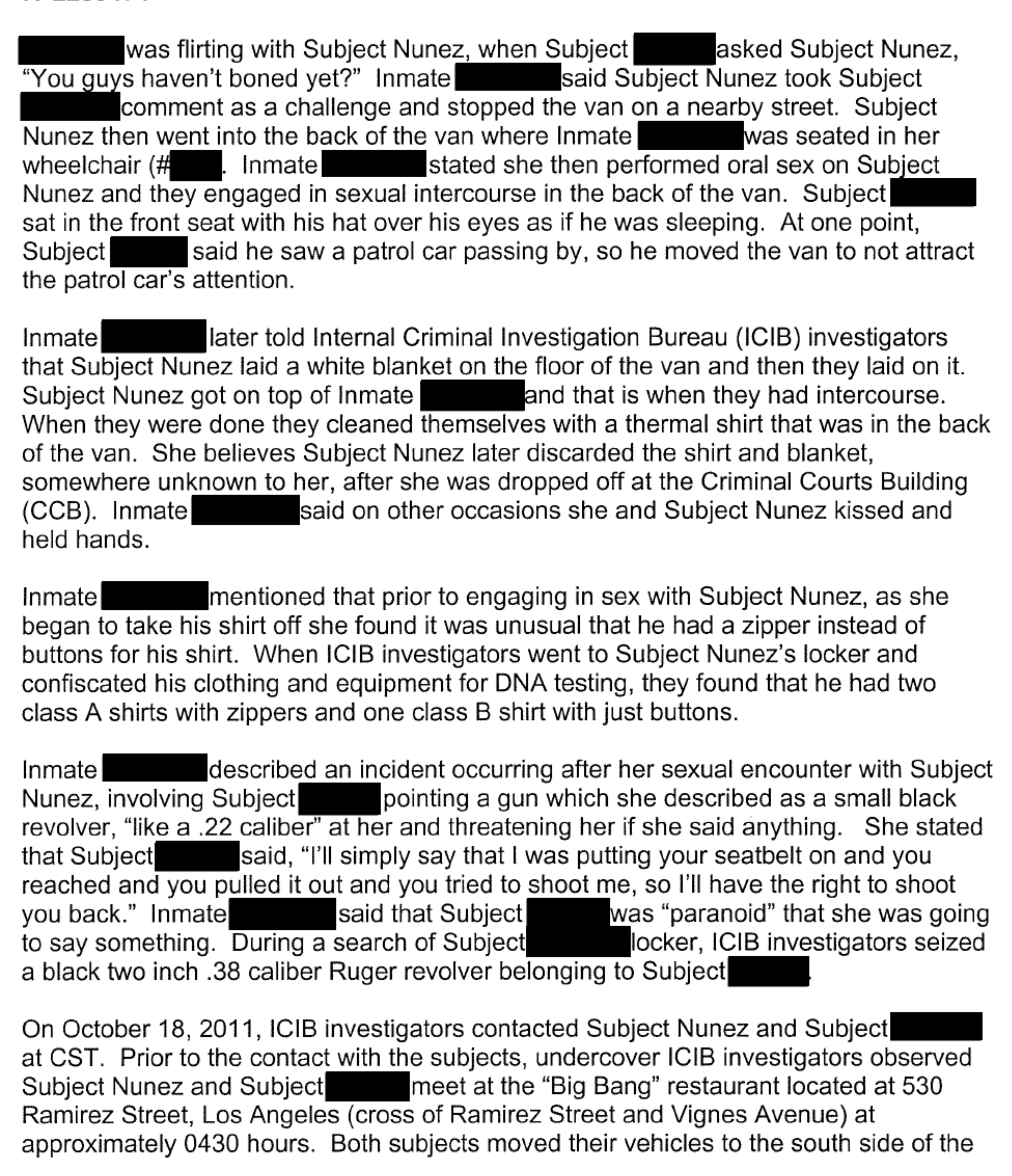
SUMMARY:

On October 11, 2011, Century Regional Detention Facility (CRDF) Inmates [redacted] and [redacted] reported to Deputy Connie Grant that Inmate [redacted] told them she had a sexual relationship with Subject Nunez while being taken to court in a Court Services Transportation (CST) wheelchair transportation van. Inmate [redacted] was injured in a car accident and required special transportation for court to accommodate her wheelchair. Deputy Grant informed Deputy Carlos Alfaro of these allegations who in turn notified Lieutenant Diana Gealta.

Inmate [redacted] told Lieutenant Gealta she shared a cell with Inmate [redacted] who told her she [redacted] had a relationship with Subject Nunez. She added Inmate [redacted] tattooed his last name, "Nunez", on her middle finger, "Armando" on her wrist and "7-19-11" on her finger. Inmate [redacted] told Inmate [redacted] the date signified the date she had sexual intercourse with Subject Nunez.

Lieutenant Gealta interviewed Inmate [redacted] and she initially denied telling anyone she was pregnant and having sexual relations with Subject Nunez. Regarding her tattoos, Inmate [redacted] said she had a former boyfriend named Armando Nunez and the date did not relate to Subject Nunez. Later that day she re-contacted Lieutenant Gealta and admitted she had a relationship with Subject Nunez and her tattoos were related to her love for him. Inmate [redacted] said she had sex with Subject Nunez on July 19, 2011, (7-19-11), and that was the only time they had intercourse.

Inmate [redacted] went on to say she was in the transportation van, when Subjects Nunez and [redacted] dropped off an inmate at the Torrance Courthouse. Inmate



[redacted] was flirting with Subject Nunez, when Subject [redacted] asked Subject Nunez, "You guys haven't boned yet?" Inmate [redacted] said Subject Nunez took Subject [redacted] comment as a challenge and stopped the van on a nearby street. Subject Nunez then went into the back of the van where Inmate [redacted] was seated in her wheelchair (#[redacted]. Inmate [redacted] stated she then performed oral sex on Subject Nunez and they engaged in sexual intercourse in the back of the van. Subject [redacted] sat in the front seat with his hat over his eyes as if he was sleeping. At one point, Subject [redacted] said he saw a patrol car passing by, so he moved the van to not attract the patrol car's attention.

Inmate [redacted] later told Internal Criminal Investigation Bureau (ICIB) investigators that Subject Nunez laid a white blanket on the floor of the van and then they laid on it. Subject Nunez got on top of Inmate [redacted] and that is when they had intercourse. When they were done they cleaned themselves with a thermal shirt that was in the back of the van. She believes Subject Nunez later discarded the shirt and blanket, somewhere unknown to her, after she was dropped off at the Criminal Courts Building (CCB). Inmate [redacted] said on other occasions she and Subject Nunez kissed and held hands.

Inmate [redacted] mentioned that prior to engaging in sex with Subject Nunez, as she began to take his shirt off she found it was unusual that he had a zipper instead of buttons for his shirt. When ICIB investigators went to Subject Nunez's locker and confiscated his clothing and equipment for DNA testing, they found that he had two class A shirts with zippers and one class B shirt with just buttons.

Inmate [redacted] described an incident occurring after her sexual encounter with Subject Nunez, involving Subject [redacted] pointing a gun which she described as a small black revolver, "like a .22 caliber" at her and threatening her if she said anything. She stated that Subject [redacted] said, "I'll simply say that I was putting your seatbelt on and you reached and you pulled it out and you tried to shoot me, so I'll have the right to shoot you back." Inmate [redacted] said that Subject [redacted] was "paranoid" that she was going to say something. During a search of Subject [redacted] locker, ICIB investigators seized a black two inch .38 caliber Ruger revolver belonging to Subject [redacted].

On October 18, 2011, ICIB investigators contacted Subject Nunez and Subject [redacted] at CST. Prior to the contact with the subjects, undercover ICIB investigators observed Subject Nunez and Subject [redacted] meet at the "Big Bang" restaurant located at 530 Ramirez Street, Los Angeles (cross of Ramirez Street and Vignes Avenue) at approximately 0430 hours. Both subjects moved their vehicles to the south side of the

parking lot where they exited their cars and began a conversation. Although the conversation could not be heard, investigators noted the two subjects appeared to be involved in an animated conversation, noted by the arm movements of Subject Nunez. The conversation lasted approximately eight minutes. Subject Nunez left first in his vehicle and approximately ten minutes later Subject [redacted] left in his vehicle.

At 0553 hours, Lieutenant [redacted] and Sergeant Hanson interviewed Subject [redacted] Subject [redacted] said he never observed Subject Nunez have intercourse with Inmate [redacted] or any other inmate and that he would have witnessed such behavior if it had occurred during their shift. He was asked if he had any contact with Subject Nunez over the previous week. Subject [redacted] said he spoke to him several times on the phone. Subject [redacted] said they arranged to meet before their shift started earlier this day to discuss why they had been removed from their regular assignment. Subject [redacted] said this conversation occurred in the employee parking lot and not at the restaurant ICIB investigators had observed it take place.

Subject Nunez declined to be interviewed by ICIB investigators. Lieutenant [redacted] asked Subject Nunez if he would give consent for them to look through his locker and he said, "Sure." They accompanied Subject Nunez to the CST locker room where he pointed out his locker and unlocked it for them. They looked through his locker and collected six pairs of green uniform pants, three brown uniform shirts, two nylon belts, a gun belt with attached equipment and four letters with one white envelope.

During a subsequent interview of Inmate [redacted] by ICIB investigators, she identified all four letters and a card found in Subject Nunez's locker as being written by her. Inmate [redacted] told ICIB investigators of another letter which was "on its way." Inmate [redacted] told ICIB investigators she had given this letter to Inmate [redacted] to give to Subject Nunez on her behalf.

On November 18, 2011, Sergeant Hanson and Lieutenant [redacted] contacted Inmate [redacted] at CRDF. Inmate [redacted] said she was familiar with Inmate [redacted] but did not know much about her. Inmate [redacted] continually answered questions by saying, "I didn't see that" or "I didn't pay attention." It appeared to investigators she did not want to be involved in the investigation. She told them she had not witnessed any inappropriate behavior or conversation from Subject Nunez or Subject [redacted] Sergeant Hanson asked Inmate [redacted] if she had received a letter from Inmate [redacted] to give to Subject Nunez. She said she did not. They again asked about a letter and Inmate [redacted] admitted someone slipped an envelope under her cell door. Inmate [redacted] was very evasive with her answers as to how she received the letter and what she was supposed to do with the letter. She finally admitted she had looked at the letter

and saw the name, "Armando." According to Inmate [redacted], through cellblock gossip, she determined "Armando" was Subject Nunez, and the letter was likely placed under her door by Inmate [redacted] Inmate [redacted] said she felt she was supposed to deliver the letter to Subject Nunez on her next court date, but she had no intention of actually completing that act. The investigators went to module [redacted] cell [redacted] and Inmate [redacted] gave them the letter that was slipped under her cell door.

This letter makes reference to the intended reader not following through on their promises, including not making any effort to write Inmate [redacted] any letters. On the second page of the letter it states, "You were good in bed, well in the van, L.O.L." There is also a reference to Subject Nunez which says in part "it was my pleasure Nunez."

The case was submitted to the Justice System Integrity Division of the Los Angeles District Attorney's Office, which ultimately declined to file criminal charges against Subject Nunez or Subject [redacted]

On October 17, 2012, Internal Affairs Bureau investigators Sergeant Mark Reyes and Sergeant Eric Barron went to Chino State Prison for Women to re-interview Inmate [redacted] about this incident and to obtain clear photos of her tattoos.

Inmate [redacted] told Internal Affairs investigators the tattoo of "7-19-11" signified the day she was intimate with Subject Nunez. The "Armando" tattoo was Subject Nunez' middle name and the "Nunez" tattoo was his last name. She reaffirmed the act of sexual intercourse occurred in a wheelchair access van. Inmate [redacted] said she received the tattoo from another inmate who she could only identify as, "[redacted]" She said she received the tattoo in her jail cell using a paper clip, pencil lead and shampoo.

Inmate [redacted] said Subject [redacted] and Subject Nunez knew about the tattoos and specifically recalled showing them to Subject Nunez as they were going into the jail ward at LA-USC Medical Center on July 26, 2011. Inmate [redacted] said that Subject [redacted] just laughed when he saw the tattoos.

Inmate [redacted] relayed much the same incident as she had told previous investigators in this case, adding that she contracted a sexually transmitted disease from Subject Nunez known as Human Papillomavirus (HPV). She had recently been diagnosed with the virus while in State Prison. Inmate [redacted] said HPV is a disease which can cause cervical cancer in women.

Inmate [redacted] said she knew she contracted the disease from Subject Nunez because she had been given tests when she was first arrested and the results were negative. Upon arrival to State Prison she was retested and diagnosed with HPV. According to Inmate [redacted] the only person she had sexual intercourse with was Subject Nunez. Regarding Inmate [redacted] allegation that she got HPV from Subject Nunez, Subject Nunez denied having any sexually transmitted diseases. Sergeant Reyes said he was unable to pursue this issue because he was unable to obtain

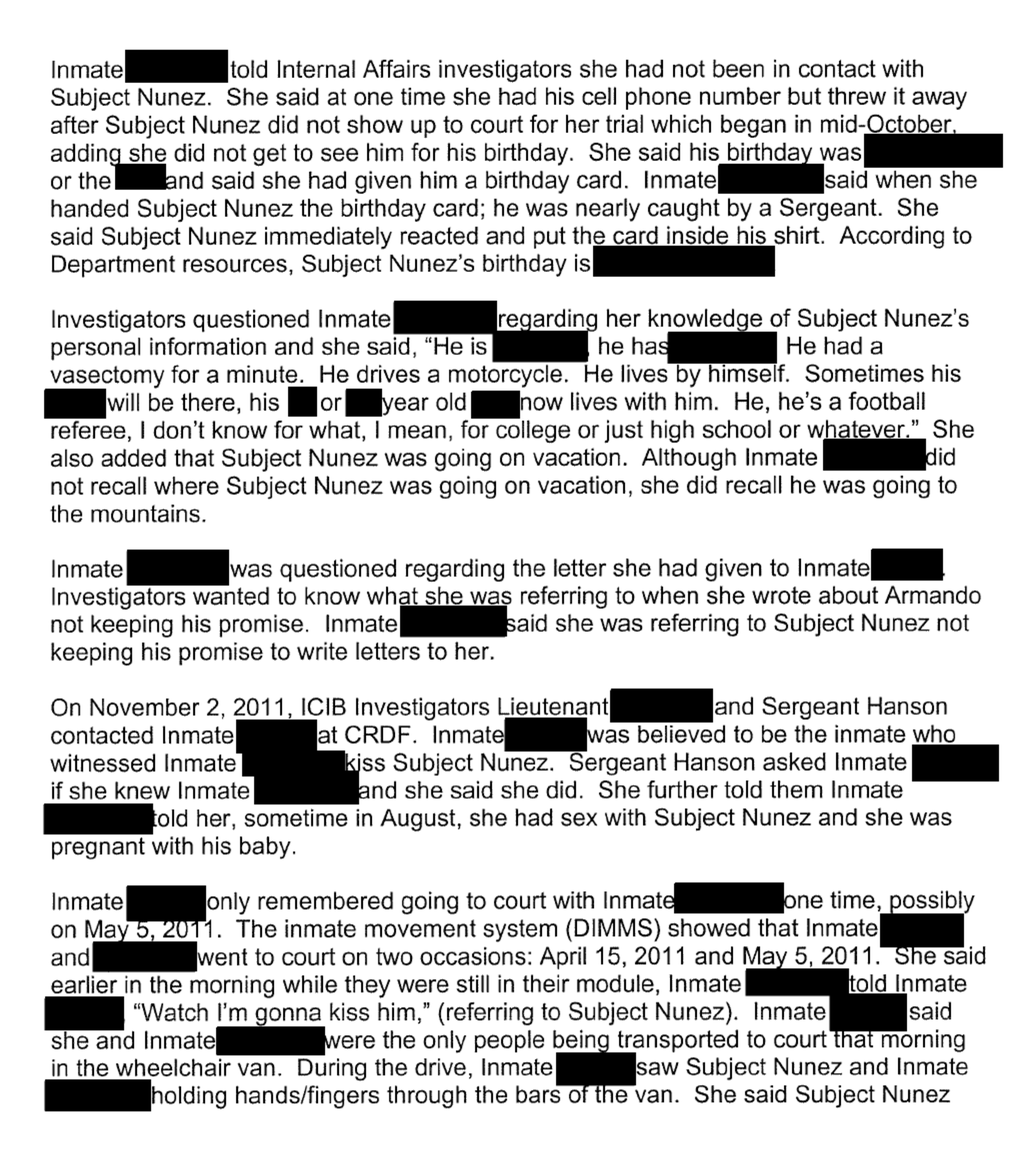
medical records due to confidential medical records disclosure laws. Inmate [redacted] appeared to have knowledge of Subject Nunez's personal life such as; marital status, [redacted] hobbies, vehicles, birthdate, etc.

Inmate [redacted] was shown photocopies of the letters ICIB investigators retrieved during their investigation. Inmate [redacted] acknowledged those were the letters she wrote to Subject Nunez. She said she was in love with Subject Nunez, but no longer had feelings for him.

In a letter found in Subject Nunez's locker there is reference to Inmate [redacted] and a phone number for Subject Nunez to contact her. Inmate [redacted] was questioned regarding her [redacted] knowledge of Subject Nunez. Inmate [redacted] said her [redacted] knew everything, but was concerned about getting her [redacted] involved. Subsequently, Ms. [redacted] was interviewed by an Internal Affairs investigator regarding her knowledge of Subject Nunez. Ms. [redacted] denied knowing any specifics, except to say she knew of a deputy who was nice to Inmate [redacted] while he transported her to court. Ms. [redacted] said the deputy never contacted her in any way. Inmate [redacted] said she personally handed Subject Nunez several letters and other letters were given to Subject Nunez by another inmate (specifically Inmate [redacted]) on behalf of Inmate [redacted] Inmate [redacted] said she wrote Subject Nunez "a lot" of letters (more than found by ICIB), including pictures and cards. She estimated she gave Subject Nunez 15-20 letters.

A letter dated October 5, 2011, appeared to be written with animosity toward Subject Nunez. Inmate [redacted] said she was upset with Subject Nunez at the time because he had promised to give her some letters from him before he went on vacation.

Inmate [redacted] said she only had sexual intercourse with Subject Nunez on one occasion, adding they both kissed on numerous occasions between May and July, 2011. She said they would kiss when she [redacted] was either the first person into the van, or the last person to get out of the van, because if she was moved in any other order there would be other inmates who could see them kissing.



Inmate [redacted] told Internal Affairs investigators she had not been in contact with Subject Nunez. She said at one time she had his cell phone number but threw it away after Subject Nunez did not show up to court for her trial which began in mid-October, adding she did not get to see him for his birthday. She said his birthday was [redacted] or the [redacted] and said she had given him a birthday card. Inmate [redacted] said when she handed Subject Nunez the birthday card; he was nearly caught by a Sergeant. She said Subject Nunez immediately reacted and put the card inside his shirt. According to Department resources, Subject Nunez's birthday is [redacted]

Investigators questioned Inmate [redacted] regarding her knowledge of Subject Nunez's personal information and she said, "He is [redacted], he has [redacted] He had a vasectomy for a minute. He drives a motorcycle. He lives by himself. Sometimes his [redacted] will be there, his [redacted] or [redacted] year old [redacted] now lives with him. He, he's a football referee, I don't know for what, I mean, for college or just high school or whatever." She also added that Subject Nunez was going on vacation. Although Inmate [redacted] did not recall where Subject Nunez was going on vacation, she did recall he was going to the mountains.

Inmate [redacted] was questioned regarding the letter she had given to Inmate [redacted]. Investigators wanted to know what she was referring to when she wrote about Armando not keeping his promise. Inmate [redacted] said she was referring to Subject Nunez not keeping his promise to write letters to her.

On November 2, 2011, ICIB Investigators Lieutenant [redacted] and Sergeant Hanson contacted Inmate [redacted] at CRDF. Inmate [redacted] was believed to be the inmate who witnessed Inmate [redacted] kiss Subject Nunez. Sergeant Hanson asked Inmate [redacted] if she knew Inmate [redacted] and she said she did. She further told them Inmate [redacted] told her, sometime in August, she had sex with Subject Nunez and she was pregnant with his baby.

Inmate [redacted] only remembered going to court with Inmate [redacted] one time, possibly on May 5, 2011. The inmate movement system (DIMMS) showed that Inmate [redacted] and [redacted] went to court on two occasions: April 15, 2011 and May 5, 2011. She said earlier in the morning while they were still in their module, Inmate [redacted] told Inmate [redacted], "Watch I'm gonna kiss him," (referring to Subject Nunez). Inmate [redacted] said she and Inmate [redacted] were the only people being transported to court that morning in the wheelchair van. During the drive, Inmate [redacted] saw Subject Nunez and Inmate [redacted] holding hands/fingers through the bars of the van. She said Subject Nunez

was the front passenger and Subject [redacted] was driving. Lieutenant [redacted] asked if Subject [redacted] saw this contact and she said, "Yes."

When they arrived at the courthouse, Subject Nunez was in the process of unstrapping Inmate [redacted] wheelchair. Subject [redacted] was outside of the van talking to another deputy. Inmate [redacted] reached down and grabbed Subject Nunez's face and kissed him on the mouth. Lieutenant [redacted] asked if it appeared Subject Nunez was okay

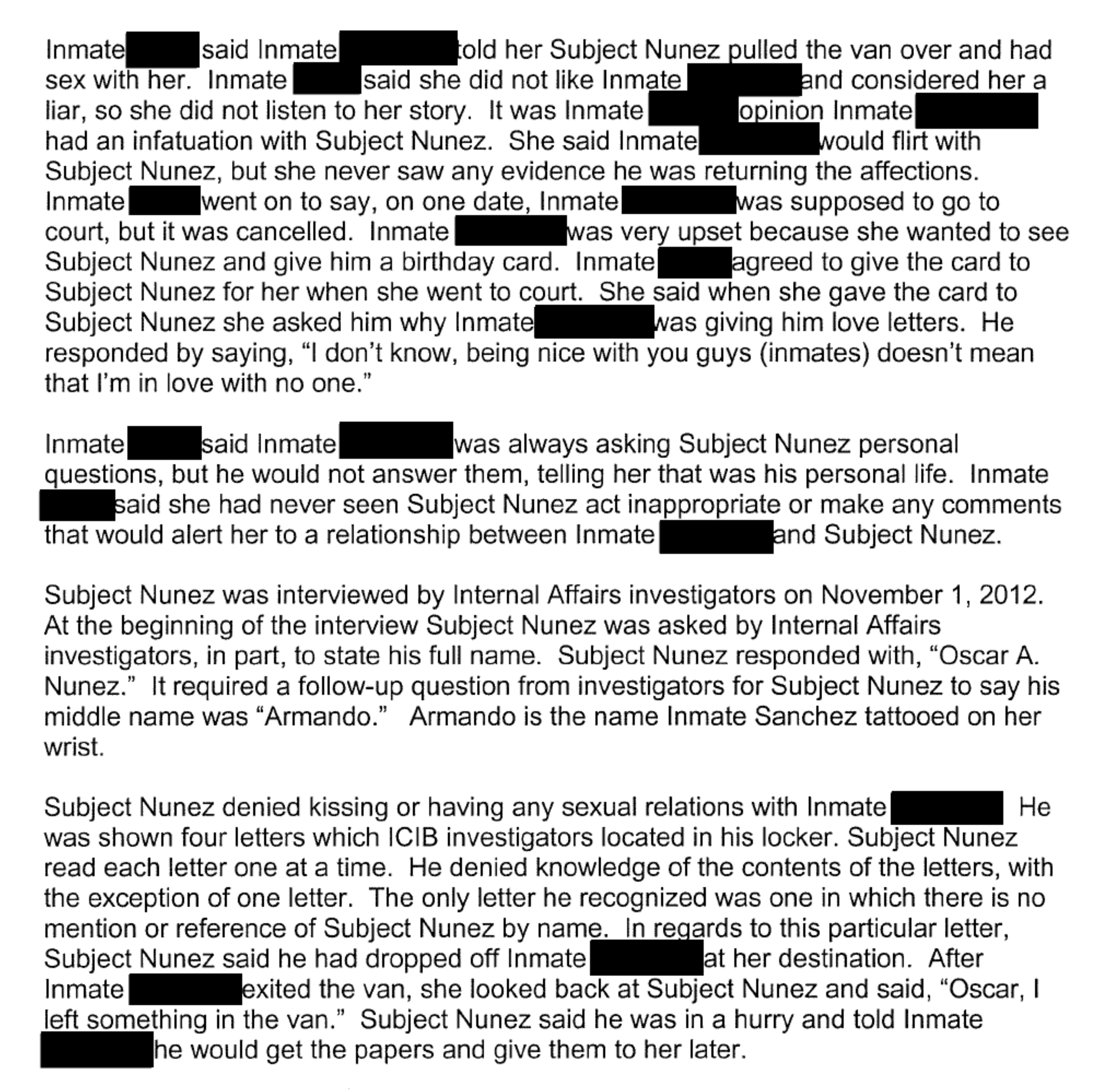
with the kiss, and she said, "Yes." He also asked her if Subject Nunez said anything after the kiss. She said he did not say anything, but he gave both of them bubble gum. Inmate [redacted] felt he gave her the bubble gum to keep her from saying anything about what she saw. Sergeant Hanson asked Inmate [redacted] if she remembered any of the conversation between Inmate [redacted] and the deputies and she replied that they spoke in Spanish and she did not understand them. Inmate [redacted] identified both subjects in a photographic lineup. Several Transportation Bureau personnel who personally know and worked around Subject [redacted] said he is bilingual and speaks Spanish.

Sergeant Hanson asked Inmate [redacted] if she had witnessed any other inappropriate behavior by either Subject Nunez or Subject [redacted]. She said Subject [redacted] would always refer to Inmate [redacted] as a bitch, as in, "I hate that bitch." Lieutenant [redacted] asked Inmate [redacted] if she thought Inmate [redacted] would tell her if she had been threatened. She said, "She would, she would tell me everything." He asked if Inmate [redacted] ever confided in her any such allegation, and she said no.

Lieutenant [redacted] asked Inmate [redacted] what Inmate [redacted] told her about the sexual contact with Subject Nunez. She said she was told that they pulled the van over on the way back from court and she had sex with Subject Nunez, while the partner walked around outside. Inmate [redacted] believed Inmate [redacted] told her she had sex with Subject Nunez prior to their court date together on May 5, 2011.

Inmate [redacted] said on her last court date (October 24, 2011), Subject Nunez asked her, "What's up with your homegirl putting my name on her?" She said she answered, "I don't know, she's trippin."

On November 2, 2011, Inmate [redacted] was interviewed by ICIB investigators because she may have witnessed some inappropriate behavior between Inmate [redacted] and Subject Nunez. Inmate [redacted] also said that Subject Nunez gave her [redacted] a honey bun from 7-11 to give to her.



Inmate [redacted] said Inmate [redacted] told her Subject Nunez pulled the van over and had sex with her. Inmate [redacted] said she did not like Inmate [redacted] and considered her a liar, so she did not listen to her story. It was Inmate [redacted] opinion Inmate [redacted] had an infatuation with Subject Nunez. She said Inmate [redacted] would flirt with Subject Nunez, but she never saw any evidence he was returning the affections. Inmate [redacted] went on to say, on one date, Inmate [redacted] was supposed to go to court, but it was cancelled. Inmate [redacted] was very upset because she wanted to see Subject Nunez and give him a birthday card. Inmate [redacted] agreed to give the card to Subject Nunez for her when she went to court. She said when she gave the card to Subject Nunez she asked him why Inmate [redacted] was giving him love letters. He responded by saying, "I don't know, being nice with you guys (inmates) doesn't mean that I'm in love with no one."

Inmate [redacted] said Inmate [redacted] was always asking Subject Nunez personal questions, but he would not answer them, telling her that was his personal life. Inmate [redacted] said she had never seen Subject Nunez act inappropriate or make any comments that would alert her to a relationship between Inmate [redacted] and Subject Nunez.

Subject Nunez was interviewed by Internal Affairs investigators on November 1, 2012. At the beginning of the interview Subject Nunez was asked by Internal Affairs investigators, in part, to state his full name. Subject Nunez responded with, "Oscar A. Nunez." It required a follow-up question from investigators for Subject Nunez to say his middle name was "Armando." Armando is the name Inmate Sanchez tattooed on her wrist.

Subject Nunez denied kissing or having any sexual relations with Inmate [redacted] He was shown four letters which ICIB investigators located in his locker. Subject Nunez read each letter one at a time. He denied knowledge of the contents of the letters, with the exception of one letter. The only letter he recognized was one in which there is no mention or reference of Subject Nunez by name. In regards to this particular letter, Subject Nunez said he had dropped off Inmate [redacted] at her destination. After Inmate [redacted] exited the van, she looked back at Subject Nunez and said, "Oscar, I left something in the van." Subject Nunez said he was in a hurry and told Inmate [redacted] he would get the papers and give them to her later.

Subject Nunez said he retrieved the stack of papers from the van. There was one letter sticking out of the envelope which drew his attention. According to Subject Nunez, he read the letter to ensure it did not contain anything which would be considered contraband. He determined the letter was not contraband and placed the letter back in

the envelope without reading the remainder of the letters. In regards to the letter Subject Nunez admitted to reading, he said, "It wasn't to me. It wasn't. So I figure, okay, there's nothing really on it." He then placed the envelope containing the letters in his personal bag in the front of the van and later placed the envelope in his locker where it was subsequently found by ICIB investigators. He added that he planned to return the letter to Inmate [redacted] when he returned to work after taking his vacation. Subject Nunez conceded he did not follow proper procedures for handling inmate personal

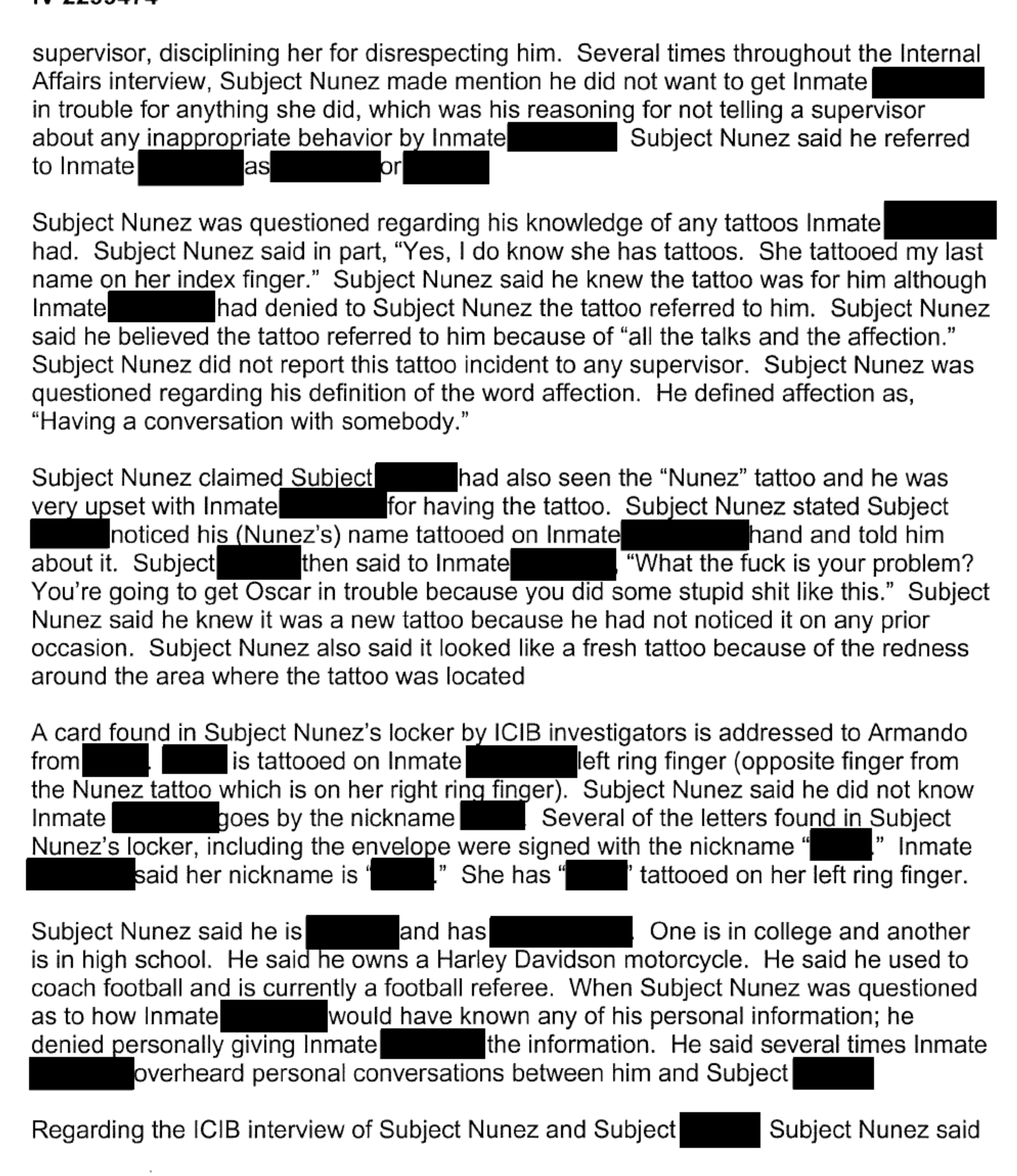
property.

Subject Nunez was asked how Inmate [redacted] would have knowledge of his personal information. He attributed her knowledge of his personal information to open conversations he and Subject [redacted] had in the transportation van, in the presence of inmates, including Inmate [redacted] Inmate [redacted] knew Subject Nunez had a motorcycle. Subject Nunez said he owns a Harley Davidson motorcycle. Inmate [redacted] said she knew Subject Nunez was a football referee. Subject Nunez said he is a football referee. Inmate [redacted] said Subject Nunez's birthday was [redacted] or [redacted] Subject Nunez's birthday is [redacted] Subject Nunez said at the time, he did not realize the inmates were listening to their (Nunez' and [redacted]) conversation.

Subject Nunez told Internal Affairs investigators during his interview about an inmate [redacted]) who handed him a card in a brown envelope. He looked at it and immediately tore it up and threw it in the trash. He said the card was not addressed to anyone in particular, but [redacted] had told him it was from, "Our friend." Subject Nunez said he assumed the card was from Inmate [redacted] He said he assumed that because Inmate [redacted] and Inmate [redacted] were cellmates. He did not report that incident to a supervisor. Subject Nunez stated this occurred in front of Subject [redacted] who gave a "weird" look and said, "Hey what is up with that?"

Subject Nunez said he never reported any inappropriate behavior from Inmate [redacted] to any supervisor, because he did not want her to get in trouble and lose her privileges. Subject Nunez said he understood that inmates lose privileges when they come to jail and he did not want to take away what few privileges (phone calls, visits, etc.) they do have while they are incarcerated. Subject Nunez said if he was in jail, he would want to see his family members during visits and talk to his children.

Subject Nunez told Internal Affairs investigators he did not mind Inmate [redacted] addressing him as "Oscar." He said he did not demand that sort of respect from her except to say he had instructed her to address him as Deputy Nunez only while in the presence of other deputy personnel. He said he did not want anyone, including any



supervisor, disciplining her for disrespecting him. Several times throughout the Internal Affairs interview, Subject Nunez made mention he did not want to get Inmate [redacted] in trouble for anything she did, which was his reasoning for not telling a supervisor about any inappropriate behavior by Inmate [redacted] Subject Nunez said he referred to Inmate [redacted] as [redacted] or [redacted]

Subject Nunez was questioned regarding his knowledge of any tattoos Inmate [redacted] had. Subject Nunez said in part, "Yes, I do know she has tattoos. She tattooed my last name on her index finger." Subject Nunez said he knew the tattoo was for him although Inmate [redacted] had denied to Subject Nunez the tattoo referred to him. Subject Nunez said he believed the tattoo referred to him because of "all the talks and the affection." Subject Nunez did not report this tattoo incident to any supervisor. Subject Nunez was questioned regarding his definition of the word affection. He defined affection as, "Having a conversation with somebody."

Subject Nunez claimed Subject [redacted] had also seen the "Nunez" tattoo and he was very upset with Inmate [redacted] for having the tattoo. Subject Nunez stated Subject [redacted] noticed his (Nunez's) name tattooed on Inmate [redacted] hand and told him about it. Subject [redacted] then said to Inmate [redacted], "What the fuck is your problem? You're going to get Oscar in trouble because you did some stupid shit like this." Subject Nunez said he knew it was a new tattoo because he had not noticed it on any prior occasion. Subject Nunez also said it looked like a fresh tattoo because of the redness around the area where the tattoo was located

A card found in Subject Nunez's locker by ICIB investigators is addressed to Armando from [redacted]. [redacted] is tattooed on Inmate [redacted] left ring finger (opposite finger from the Nunez tattoo which is on her right ring finger). Subject Nunez said he did not know Inmate [redacted] goes by the nickname [redacted]. Several of the letters found in Subject Nunez's locker, including the envelope were signed with the nickname "[redacted]." Inmate [redacted] said her nickname is "[redacted]." She has "[redacted]" tattooed on her left ring finger.

Subject Nunez said he is [redacted] and has [redacted]. One is in college and another is in high school. He said he owns a Harley Davidson motorcycle. He said he used to coach football and is currently a football referee. When Subject Nunez was questioned as to how Inmate [redacted] would have known any of his personal information; he denied personally giving Inmate [redacted] the information. He said several times Inmate [redacted] overheard personal conversations between him and Subject [redacted]

Regarding the ICIB interview of Subject Nunez and Subject [redacted] Subject Nunez said

he recalled meeting Subject [redacted] at the "Big Bang" restaurant prior to the interviews. He said Subject [redacted] called him on his way in to work and requested to meet to discuss rumors that were going on.

DISCIPLINE ASSESSMENT

Review of Applicable "Guidelines For Discipline" Sections

The Department's Guidelines for Discipline lists the following analogous misconduct with associated disciplinary penalties:

Fraternization with an inmate	Discharge
General Behavior (On duty conduct causing embarrassment to the Department)	W/R to Discharge
Obedience to Laws, Regulations and Orders	W/R to Discharge
Performance to Standards (Unwillingness and/or failure to perform to work standards)	W/R to Discharge
Failure to Make Statements and/or Making False Statements During a Departmental Internal Investigation	25 days-Discharge

Assessment of Mitigating and Aggravating Factors

Severity of Infraction:

The actions committed by Subject Nunez constitute a violation of Department Policy and reflect negatively on his credibility as a professional law enforcement officer. His actions cast a negative reflection on himself, the Sheriff's Department, and the law enforcement community.

Intent, Truthfulness and Acceptance of Responsibility:

During the unit level interview, Subject Nunez made statements which were

contradictory to Subject [redacted] witnesses, and Inmate [redacted]. His explanation regarding the letters he received from Inmate [redacted] lack credibility. They were addressed to him and referenced their sexual intercourse.

Degree of Culpability

The misconduct was committed solely by the Subject.

Past Performance and Disciplinary History:

Subject Nunez started his law enforcement career with the [redacted] in [redacted]. He worked as a [redacted] until [redacted] when [redacted] merged with the Sheriff's Department. He continued to work in the City of [redacted] until [redacted], when he was assigned to [redacted] He worked [redacted] until October 2007, when he transferred to Transportation Bureau where he is now currently assigned.

Subject Nunez has approximately 21 years of law enforcement experience. Since [redacted] he has received [redacted] ratings on his evaluations. In [redacted] and [redacted] he received [redacted] ratings, in [redacted] he received an [redacted] and in [redacted] he had a [redacted] rating on his evaluation while working at [redacted].

Reviewing his Personnel Performance Index (PPI) it shows that on [redacted]

Disposition

Based upon the foregoing assessment of mitigation and aggravating factors, the following is the recommended penalty, subject to revision upon receiving the Subject's response or grievance:

_X_ Discharge
___ Reduction in Rank

__ Suspension with loss of pay
__ Written Reprimand
__ No discipline recommended

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
PERSONNEL INVESTIGATION

DATE	No. OF SUBJECTS	UNIT(S) INVOLVED	I.A.B. FILE No.
01-12-13	2	Transportation Bureau	IV2299474

MANUAL SECTIONS ALLEGEDLY VIOLATED (BY TITLE AND No.)
Obedience to Rules, Laws and Orders 3-01/030.10 MPP

DATE, TIME, DAY OF OCCURRENCE	RELATED URN FILE No. IF APPLICABLE
7-19-2011, unknown time, Tuesday	911-01186-5799-444

LOCATION OF OCCURRENCE: Unknown location in the city of Torrance

SOURCE OF COMPLAINT: ☐ COMMUNITY ☐ SUPERVISION W/C REPORT No. ______ ☒ OTHER SOURCES (SPECIFY) Inmate complaint

---

SUBJECT	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.
No. 1 OF 2	Nunez	Oscar	A	Deputy Sheriff Generalist	[redacted]

UNIT OF ASSIGNMENT	DATE ASSIGNED	DIVISION OR REGION
Transportation Bureau	7-01-01	Court Services Division

STATUS OF SUBJECT: ☐ CONTINUING ON DUTY ☒ RELIEVED OF DUTY - REASSIGNED TO: Home ☐ OTHER ______

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE
Male	H	blk	bro	507	185	[redacted]	[redacted]

DATE OF HIRE	DATE APPOINTED TO RANK	INTERVIEW TAPE RECORDED ON
9-17-00	[redacted]	TAPE digital OF ____ SIDE ☐ A ☐ B DATE 11-01-12 TIME 1005

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]
[redacted]	[redacted]	[redacted]	[redacted]

SUBJECT	LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.
No. 2 OF 2	[redacted]	[redacted]	[redacted]	Deputy Sheriff Generalist	[redacted]

UNIT OF ASSIGNMENT	DATE ASSIGNED	DIVISION OR REGION
Transportation Bureau	2-20-07	Court Services Division

STATUS OF SUBJECT: ☐ CONTINUING ON DUTY ☒ RELIEVED OF DUTY - REASSIGNED TO: Home ☐ OTHER ______

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE
Male	H	blk	bro	511	190	[redacted]	[redacted]

DATE OF HIRE	DATE APPOINTED TO RANK	INTERVIEW TAPE RECORDED ON
2-20-07	[redacted]	TAPE digital OF ____ SIDE ☐ A ☐ B DATE 11-7-12 TIME 1700

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE
[redacted]			

CODE: C - COMPLAINANT, W - WITNESS   ADDITIONAL COMPLAINANTS, WITNESSES, OR SUBJECTS ON SUPPLEMENTAL PAGES ☐ YES ☐ NO

CODE	No.	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
C	1 OF 1	[redacted]	[redacted]	[redacted]	Female	H	[redacted]

RESIDENCE ADDRESS: [redacted]   RES. PHONE (AREA CODE) ( ) [redacted]

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: [redacted]   CDL OR LASD EMPLOYEE NO.   BUS. PHONE (AREA CODE) ( )

INTERVIEW TAPE RECORDED ON: TAPE digital OF ____ SIDE ☐ A ☐ B DATE 10-17-12 TIME 1131

CODE	No.	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.
W	1 OF 9	Rodarte	Francisco		Male	H	[redacted]

RESIDENCE ADDRESS: Deputy Sheriff Generalist   RES. PHONE (AREA CODE) ( ) [redacted]

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: Transportation Bureau   CDL OR LASD EMPLOYEE NO. [redacted]   BUS. PHONE (AREA CODE) (213) 974-4562

INTERVIEW TAPE RECORDED ON: TAPE digital OF ____ SIDE ☐ A ☐ B DATE 1-2-13 TIME 1625

PRIMARY INVESTIGATOR	RANK	EMP. No.	APPROVED	DATE
Mark Reyes	Sergeant	[redacted]		

ASSISTING INVESTIGATOR	RANK	EMP. No.	DATE SUBMITTED

SH-AD-669-2/93   IF ADDITIONAL SUBJECTS, WITNESSES, COMPLAINANTS OR DISCIPLINE HISTORIES, LIST ON CONTINUATION PAGES.

SHERIFF'S DEPARTMENT PERSONNEL INVESTIGATION
COMPLAINANT / WITNESS CONTINUATION PAGE

I.A.B. FILE No. IV2299474

PAGE 2 OF 2

CODE: C - COMPLAINANT, **W** - WITNESS

CODE	No.	OF	LAST NAME	FIRST NAME	M.I.	SEX	RACE	D.O.B.	RESIDENCE ADDRESS	RES. PHONE (AREA CODE)	BUSINESS ADDRESS OR UNIT OF ASSIGNMENT	CDL OR LASD EMPLOYEE NO.	BUS. PHONE (AREA CODE)	INTERVIEW TAPE RECORDED ON TAPE	OF	SIDE A / B	DATE	TIME
W	2	6	[redacted]	[redacted]	[redacted]	Female	H	[redacted]	[redacted]	[redacted]	[redacted]	CDL[redacted]	( ) [redacted]	Digital			12-10-12	1140
W	3	6	[redacted]	[redacted]		Female	B	[redacted]	[redacted]	( ) [redacted]	[redacted]	CDL[redacted]	( )	Digital			10-18-11	1900
W	4	6	[redacted]	[redacted]	[redacted]	Female	H	[redacted]	[redacted]	( ) [redacted]	[redacted]		( )				11-2-11	1310
W	5	6	[redacted]	[redacted]		Female	H	[redacted]	[redacted]	( ) [redacted]	[redacted]	[redacted]	( )	Digital			11-2-111	1354
W	6	6	[redacted]	[redacted]		Female	B	[redacted]	[redacted]	( ) [redacted]	[redacted]	CDL[redacted]	( )	Digital			11-2-11	1437
										( )			( )					
										( )			( )					
										( )			( )					

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

ADMINISTRATIVE
INVESTIGATIVE SUMMARY

DATE: Between July 19, 2011 and October 12, 2011

LOCATION: Transportation Bureau
441 Bauchet Street
Los Angeles, California 90012

IAB #: **IV2299474**

SUBJECTS: Oscar Nunez #[redacted]
Deputy Sheriff Generalist
Transportation Bureau
Court Services Division

[redacted] # [redacted]
Deputy Sheriff Generalist
Transportation Bureau
Court Services Division

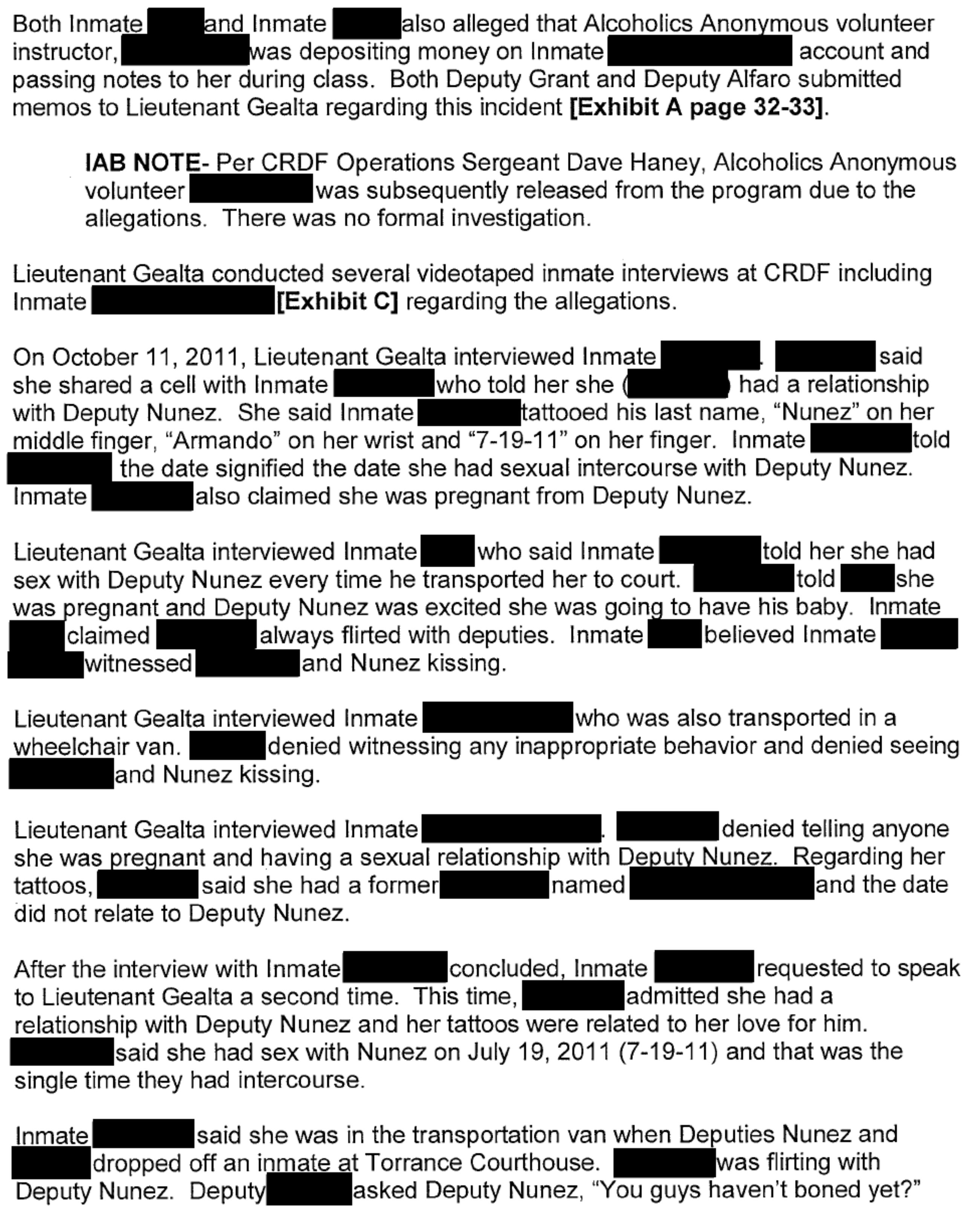
ALLEGATION

Inmate [redacted] alleged sexual misconduct by Deputy Oscar Nunez and Deputy [redacted] while inside a Sheriff's Department transportation vehicle. Inmate [redacted] further alleged Deputy [redacted] threatened her while pointing his handgun at her.

SYNOPSIS

On October 11, 2011, Century Regional Detention Facility Inmates [redacted] and [redacted] reported to Deputy Connie Grant that Inmate [redacted] was bragging she had a sexual relationship with Deputy Oscar Nunez on her way to court in a wheel chair transportation van. Deputy Grant informed Deputy Carlos Alfaro of these allegations who in turn, notified Lieutenant Diana Gealta.

> **IAB NOTE-** Inmate [redacted] was injured in a car accident and required special transportation for court, to accommodate her wheelchair.



Both Inmate [redacted] and Inmate [redacted] also alleged that Alcoholics Anonymous volunteer instructor, [redacted] was depositing money on Inmate [redacted] account and passing notes to her during class. Both Deputy Grant and Deputy Alfaro submitted memos to Lieutenant Gealta regarding this incident **[Exhibit A page 32-33]**.

> **IAB NOTE**- Per CRDF Operations Sergeant Dave Haney, Alcoholics Anonymous volunteer [redacted] was subsequently released from the program due to the allegations. There was no formal investigation.

Lieutenant Gealta conducted several videotaped inmate interviews at CRDF including Inmate [redacted] **[Exhibit C]** regarding the allegations.

On October 11, 2011, Lieutenant Gealta interviewed Inmate [redacted]. [redacted] said she shared a cell with Inmate [redacted] who told her she ([redacted]) had a relationship with Deputy Nunez. She said Inmate [redacted] tattooed his last name, "Nunez" on her middle finger, "Armando" on her wrist and "7-19-11" on her finger. Inmate [redacted] told [redacted] the date signified the date she had sexual intercourse with Deputy Nunez. Inmate [redacted] also claimed she was pregnant from Deputy Nunez.

Lieutenant Gealta interviewed Inmate [redacted] who said Inmate [redacted] told her she had sex with Deputy Nunez every time he transported her to court. [redacted] told [redacted] she was pregnant and Deputy Nunez was excited she was going to have his baby. Inmate [redacted] claimed [redacted] always flirted with deputies. Inmate [redacted] believed Inmate [redacted] witnessed [redacted] and Nunez kissing.

Lieutenant Gealta interviewed Inmate [redacted] who was also transported in a wheelchair van. [redacted] denied witnessing any inappropriate behavior and denied seeing [redacted] and Nunez kissing.

Lieutenant Gealta interviewed Inmate [redacted]. [redacted] denied telling anyone she was pregnant and having a sexual relationship with Deputy Nunez. Regarding her tattoos, [redacted] said she had a former [redacted] named [redacted] and the date did not relate to Deputy Nunez.

After the interview with Inmate [redacted] concluded, Inmate [redacted] requested to speak to Lieutenant Gealta a second time. This time, [redacted] admitted she had a relationship with Deputy Nunez and her tattoos were related to her love for him. [redacted] said she had sex with Nunez on July 19, 2011 (7-19-11) and that was the single time they had intercourse.

Inmate [redacted] said she was in the transportation van when Deputies Nunez and [redacted] dropped off an inmate at Torrance Courthouse. [redacted] was flirting with Deputy Nunez. Deputy [redacted] asked Deputy Nunez, "You guys haven't boned yet?"

[redacted] said Nunez took [redacted] comment as a challenge and stopped the van on a nearby street. Nunez then entered into the back of the van where [redacted] was seated. Inmate [redacted] said she performed oral sex on Nunez and they engaged in sexual intercourse. Deputy [redacted] sat in the front seat with his hat over his eyes as if he was sleeping. At one point, Deputy [redacted] saw a patrol car, so he moved the van to not attract the patrol car's attention.

Inmate [redacted] said Deputy Nunez cleaned both of them with a shirt. She said on other occasions, they have kissed and held hands. She said Deputy Nunez has never given her money or written her letters because he was afraid.

Lieutenant Gealta confirmed that Inmate [redacted] received medication for depression, anxiety and sleep disorders from the Mental Health Psychiatric Unit. Social Worker [redacted] who works for that unit said Inmates are often tested for pregnancy prior to being put on psychiatric medication. She said there was nothing in Inmate [redacted] file indicating [redacted] had told anyone about her relationship with Deputy Nunez. Supervising Nurse Carmen Alcantara said Inmate [redacted] was given a pregnancy test on April 11, 2011 with negative results.

On October 12, 2011, CRDF Sergeant Ann Devane documented the incident alleging suspicious circumstances, possible assault under color of authority **[Exhibit A page 26]**. Lieutenant Gealta submitted a memo **[Exhibit A page 21]** to CRDF Captain Stacy Lee regarding this incident.

On October 13, 2011, the case was turned over to Internal Criminal Investigations Bureau at the request of then, Transportation Bureau Captain John Clark. ICIB Sergeant Amy Hanson was assigned the investigation. She took possession of Sheriff's van # SD6291 and drove it to the Sheriff's Crime Lab for photographs and DNA analysis.

On October 14, 2011, Senior Criminalist Michelle Madrid was directed to examine the van. She identified and collected five semen samples from the rear portion of the van. These samples were tested and compared to DNA samples later collected from Deputy Nunez, Deputy [redacted] and Inmate [redacted]. The DNA in the semen samples did not match the collected reference samples **[Exhibit A page 151-156]**.

On October 18, 2011, ICIB detectives interviewed Deputy Oscar Nunez and Deputy [redacted] at TST. Prior to the interview, undercover ICIB investigators observed Deputy Nunez and [redacted] meet at the "Big Bang" restaurant located at 530 Ramirez Street, Los Angeles. Both deputies moved their vehicles to the south side of the parking lot where they exited their vehicles and began a conversation.

Although the conversation could not be heard, investigators noted the two deputies appeared to be involved in an animated conversation, noted by the arm movements of Deputy Nunez. The conversation lasted approximately eight minutes.

At approximately 0553 hours, ICIB Lieutenant [redacted] and Sergeant Hanson met with Deputy [redacted] in a TST conference room. The interview was audio recorded (Refer to transcripts of interview by ICIB).

Deputy [redacted] agreed to voluntarily speak with ICIB investigators regarding an allegation an inmate made against him and his partner.

Deputy [redacted] said he was assigned to the wheelchair transportation van for the past year and a half. He had known Deputy Nunez for the past three years and they were partners for approximately six to nine months prior to that interview.

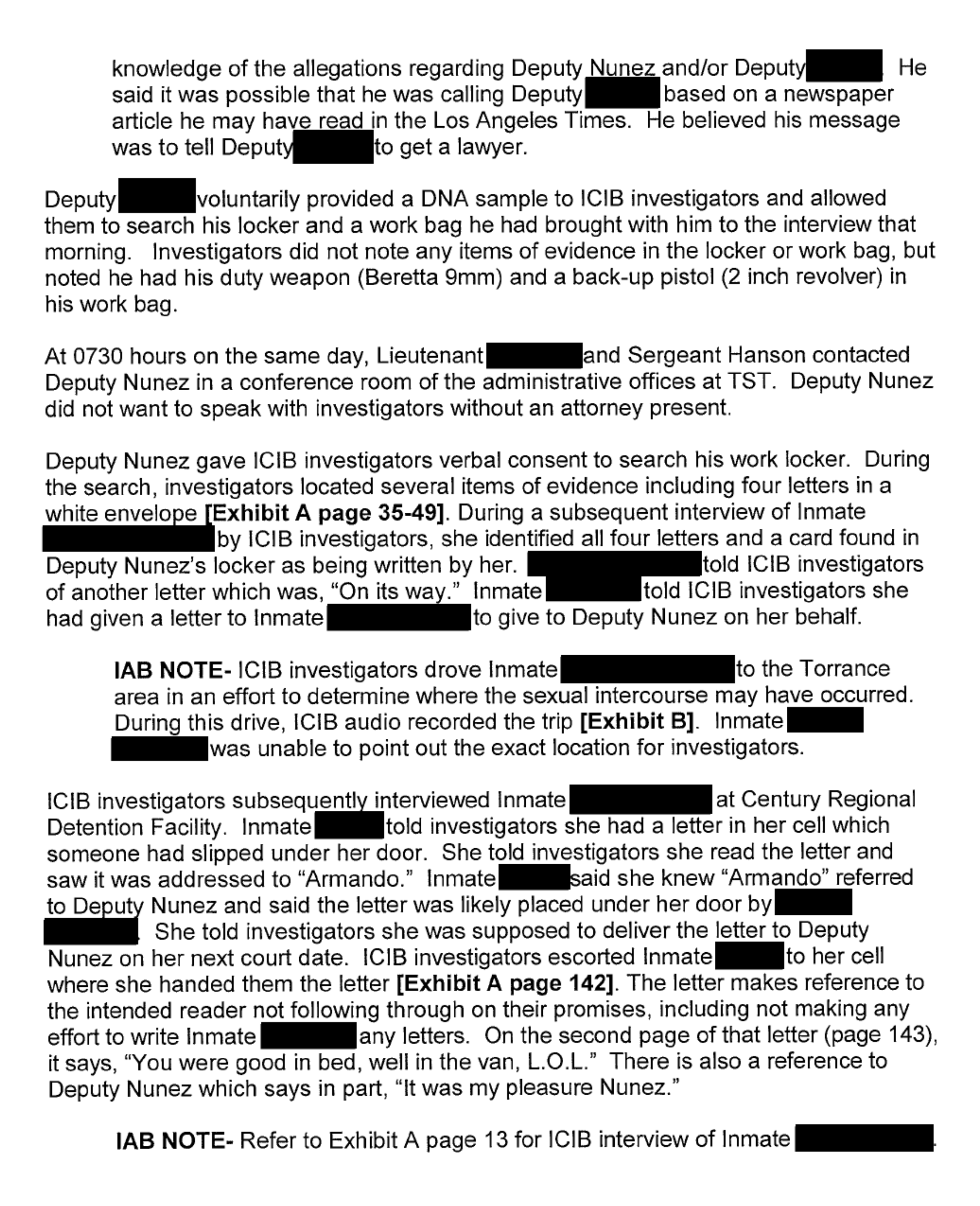
Deputy [redacted] said he knew who Inmate [redacted] was. He told investigators he knew she had been in a car accident prior to being arrested, and that was the reason she was in a wheelchair. He believed the accident was five to six months prior. Deputy [redacted] said he had never seen or heard anything inappropriate between Deputy Nunez and Inmate [redacted]

Deputy [redacted] denied meeting Deputy Nunez at the "Big Bang" restaurant saying he spoke with Deputy Nunez earlier in the morning in the employee parking lot. The meeting was to discuss why they were taken off their regular assignment.

Lieutenant [redacted] asked Deputy [redacted] for Deputy Nunez' phone number. Deputy [redacted] turned on his phone and proceeded to look through his phone book. Investigators noted Deputy [redacted] was very nervous as he looked through his phone. Deputy [redacted] attempted to use his body to shield his telephone screen from Sergeant Hanson.

Believing the phone possibly held evidence relevant to this case, Detective Hanson ordered Deputy [redacted] to give her his phone. Deputy [redacted] did so reluctantly and gave Sergeant Hanson the pass code for the phone. Sergeant Hanson briefly looked through the phone and noted a voicemail from Deputy Francisco Rodarte. Sergeant Hanson listened to the message which she later recorded on her digital recorder. The message said, "Hey partner, you there? It's all over the fucking news…." The phone was booked as evidence.

> **IAB NOTE-** In a subsequent interview of Deputy Rodarte by Internal Affairs investigators regarding the voice message on Deputy [redacted] phone, Deputy Rodarte said the voice sounded like him, but he did not recall leaving the message. Deputy Rodarte said in his interview, he did not have firsthand



knowledge of the allegations regarding Deputy Nunez and/or Deputy [redacted]. He said it was possible that he was calling Deputy [redacted] based on a newspaper article he may have read in the Los Angeles Times. He believed his message was to tell Deputy [redacted] to get a lawyer.

Deputy [redacted] voluntarily provided a DNA sample to ICIB investigators and allowed them to search his locker and a work bag he had brought with him to the interview that morning. Investigators did not note any items of evidence in the locker or work bag, but noted he had his duty weapon (Beretta 9mm) and a back-up pistol (2 inch revolver) in his work bag.

At 0730 hours on the same day, Lieutenant [redacted] and Sergeant Hanson contacted Deputy Nunez in a conference room of the administrative offices at TST. Deputy Nunez did not want to speak with investigators without an attorney present.

Deputy Nunez gave ICIB investigators verbal consent to search his work locker. During the search, investigators located several items of evidence including four letters in a white envelope **[Exhibit A page 35-49]**. During a subsequent interview of Inmate [redacted] by ICIB investigators, she identified all four letters and a card found in Deputy Nunez's locker as being written by her. [redacted] told ICIB investigators of another letter which was, "On its way." Inmate [redacted] told ICIB investigators she had given a letter to Inmate [redacted] to give to Deputy Nunez on her behalf.

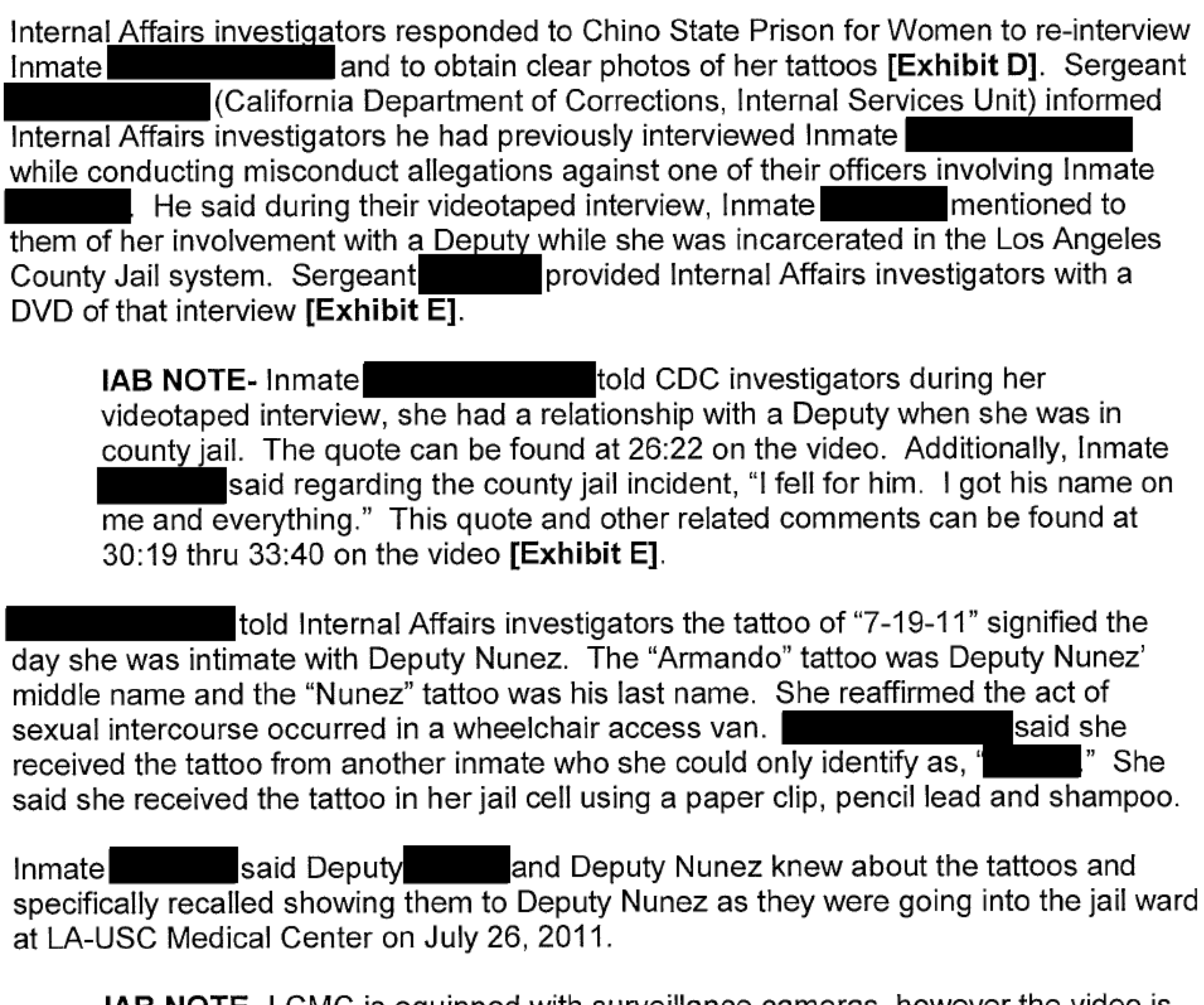
IAB NOTE- ICIB investigators drove Inmate [redacted] to the Torrance area in an effort to determine where the sexual intercourse may have occurred. During this drive, ICIB audio recorded the trip **[Exhibit B]**. Inmate [redacted] was unable to point out the exact location for investigators.

ICIB investigators subsequently interviewed Inmate [redacted] at Century Regional Detention Facility. Inmate [redacted] told investigators she had a letter in her cell which someone had slipped under her door. She told investigators she read the letter and saw it was addressed to "Armando." Inmate [redacted] said she knew "Armando" referred to Deputy Nunez and said the letter was likely placed under her door by [redacted]. She told investigators she was supposed to deliver the letter to Deputy Nunez on her next court date. ICIB investigators escorted Inmate [redacted] to her cell where she handed them the letter **[Exhibit A page 142]**. The letter makes reference to the intended reader not following through on their promises, including not making any effort to write Inmate [redacted] any letters. On the second page of that letter (page 143), it says, "You were good in bed, well in the van, L.O.L." There is also a reference to Deputy Nunez which says in part, "It was my pleasure Nunez."

IAB NOTE- Refer to Exhibit A page 13 for ICIB interview of Inmate [redacted].

The case was submitted to the District Attorney's office, which ultimately declined to file criminal charges against Deputy Nunez or Deputy [redacted] (See D.A. Rejected Filing Sheet for further. Exhibit A page 20A-20G). For further and complete details regarding the ICIB investigation, refer to Exhibit A.

The case was subsequently assigned to Internal Affairs Bureau for an administrative investigation.



Internal Affairs investigators responded to Chino State Prison for Women to re-interview Inmate [redacted] and to obtain clear photos of her tattoos **[Exhibit D]**. Sergeant [redacted] (California Department of Corrections, Internal Services Unit) informed Internal Affairs investigators he had previously interviewed Inmate [redacted] while conducting misconduct allegations against one of their officers involving Inmate [redacted]. He said during their videotaped interview, Inmate [redacted] mentioned to them of her involvement with a Deputy while she was incarcerated in the Los Angeles County Jail system. Sergeant [redacted] provided Internal Affairs investigators with a DVD of that interview **[Exhibit E]**.

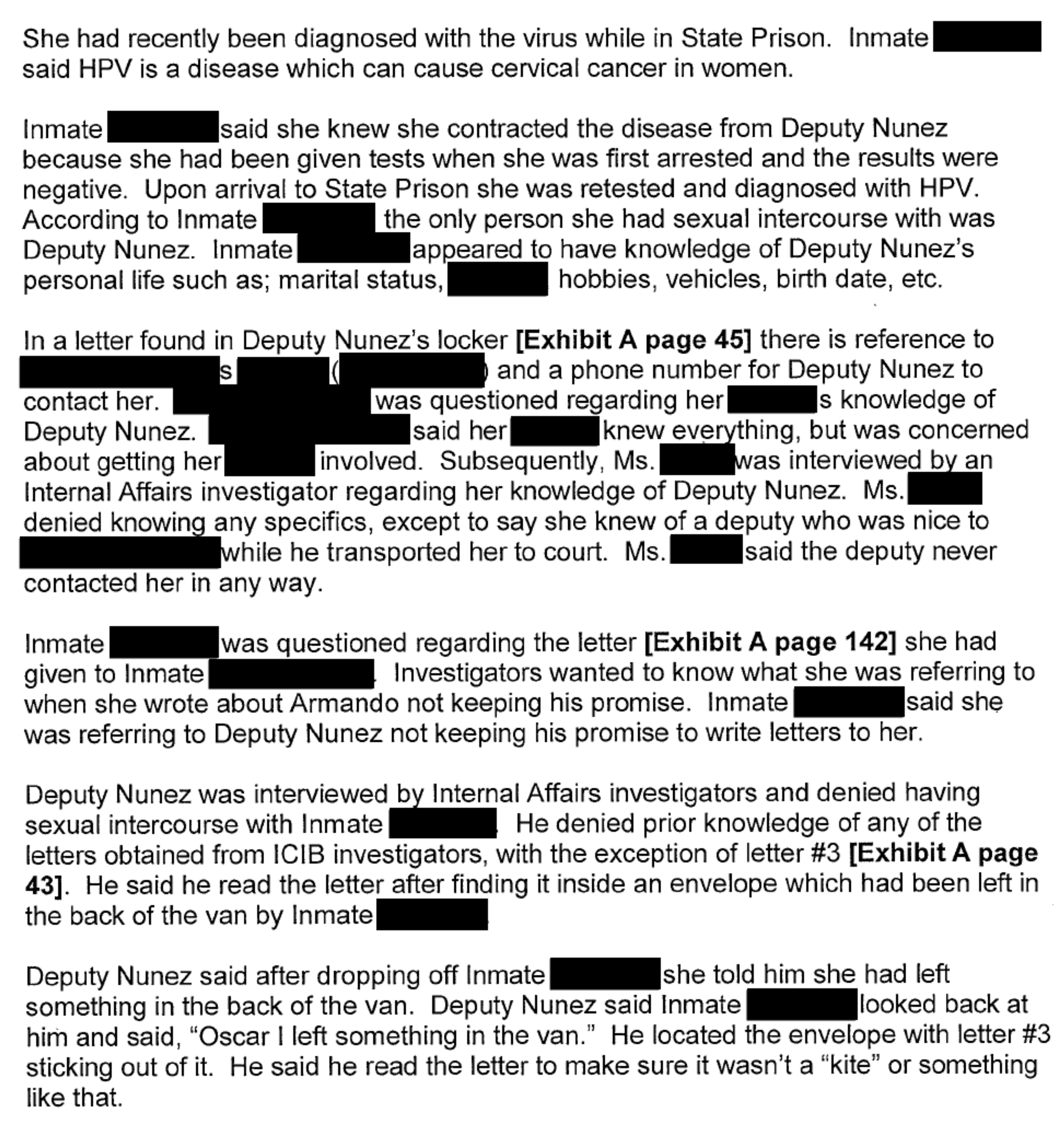
> **IAB NOTE-** Inmate [redacted] told CDC investigators during her videotaped interview, she had a relationship with a Deputy when she was in county jail. The quote can be found at 26:22 on the video. Additionally, Inmate [redacted] said regarding the county jail incident, "I fell for him. I got his name on me and everything." This quote and other related comments can be found at 30:19 thru 33:40 on the video **[Exhibit E]**.

[redacted] told Internal Affairs investigators the tattoo of "7-19-11" signified the day she was intimate with Deputy Nunez. The "Armando" tattoo was Deputy Nunez' middle name and the "Nunez" tattoo was his last name. She reaffirmed the act of sexual intercourse occurred in a wheelchair access van. [redacted] said she received the tattoo from another inmate who she could only identify as, "[redacted]." She said she received the tattoo in her jail cell using a paper clip, pencil lead and shampoo.

Inmate [redacted] said Deputy [redacted] and Deputy Nunez knew about the tattoos and specifically recalled showing them to Deputy Nunez as they were going into the jail ward at LA-USC Medical Center on July 26, 2011.

> **IAB NOTE-** LCMC is equipped with surveillance cameras, however the video is only stored for thirty days, per LCMC Deputy Thomas Fisk. Any potential video of this incident was unavailable at the time of the request from Internal Affairs.

Inmate [redacted] relayed much the same incident as she had told previous investigators in this case, adding that she contracted a sexually transmitted disease from Deputy Nunez, known as Human Papillomavirus (HPV).



She had recently been diagnosed with the virus while in State Prison. Inmate [redacted] said HPV is a disease which can cause cervical cancer in women.

Inmate [redacted] said she knew she contracted the disease from Deputy Nunez because she had been given tests when she was first arrested and the results were negative. Upon arrival to State Prison she was retested and diagnosed with HPV. According to Inmate [redacted] the only person she had sexual intercourse with was Deputy Nunez. Inmate [redacted] appeared to have knowledge of Deputy Nunez's personal life such as; marital status, [redacted] hobbies, vehicles, birth date, etc.

In a letter found in Deputy Nunez's locker **[Exhibit A page 45]** there is reference to [redacted]s [redacted] ([redacted]) and a phone number for Deputy Nunez to contact her. [redacted] was questioned regarding her [redacted]s knowledge of Deputy Nunez. [redacted] said her [redacted] knew everything, but was concerned about getting her [redacted] involved. Subsequently, Ms. [redacted] was interviewed by an Internal Affairs investigator regarding her knowledge of Deputy Nunez. Ms. [redacted] denied knowing any specifics, except to say she knew of a deputy who was nice to [redacted] while he transported her to court. Ms. [redacted] said the deputy never contacted her in any way.

Inmate [redacted] was questioned regarding the letter **[Exhibit A page 142]** she had given to Inmate [redacted]. Investigators wanted to know what she was referring to when she wrote about Armando not keeping his promise. Inmate [redacted] said she was referring to Deputy Nunez not keeping his promise to write letters to her.

Deputy Nunez was interviewed by Internal Affairs investigators and denied having sexual intercourse with Inmate [redacted]. He denied prior knowledge of any of the letters obtained from ICIB investigators, with the exception of letter #3 **[Exhibit A page 43]**. He said he read the letter after finding it inside an envelope which had been left in the back of the van by Inmate [redacted].

Deputy Nunez said after dropping off Inmate [redacted] she told him she had left something in the back of the van. Deputy Nunez said Inmate [redacted] looked back at him and said, "Oscar I left something in the van." He located the envelope with letter #3 sticking out of it. He said he read the letter to make sure it wasn't a "kite" or something like that.

> **IAB NOTE-** *Kite* is jail slang, referring to written communications between inmates that could be considered contraband if it were to contain unauthorized communication such as; jail escape plans, threats, etc.

He said he read the letter and saw it wasn't addressed to him and noted it was a bunch of "gibberish." He put the letter back into the envelope and didn't read the remaining letters.

He later placed the envelope in his locker with intentions on returning the envelope to Inmate [redacted]. Deputy Nunez said he left for vacation and upon his return; the letters were confiscated by ICIB investigators.

Deputy Nunez was asked how Inmate [redacted] would have knowledge of his personal information. He attributed her knowledge of his personal information to open conversations he and Deputy [redacted] had in the transportation van, in the presence of inmates, including Inmate [redacted]. Inmate [redacted] knew Deputy Nunez had a motorcycle. Deputy Nunez said he owns a Harley Davidson motorcycle. Inmate [redacted] said she knew Deputy Nunez was a football referee. Deputy Nunez said he is a football referee. Inmate [redacted] said Deputy Nunez's birthday was [redacted] or [redacted]. Deputy Nunez's birthday is [redacted]

Deputy Nunez told Internal Affairs investigators during his interview, about an inmate ([redacted]) who handed him a card in a brown envelope. He looked at it and immediately tore it up and threw it in the trash. He said the card was not addressed to anyone in particular, but [redacted] had told him it was from, "Our friend." Deputy Nunez said he assumed the card was from Inmate [redacted]. He said he assumed that because [redacted] and [redacted] were cell mates.

> **IAB NOTE-** Inmate [redacted] was interviewed by ICIB investigators. For further, refer to Exhibit A page 16.

Deputy Nunez told Internal Affairs investigators he didn't mind [redacted] addressing him as, "Oscar." He said he did not demand that sort of respect from her except to say he had instructed her to address him as Deputy Nunez only while in the presence of other deputy personnel. He said he didn't want anyone, including any supervisor, disciplining her for disrespecting him. Several times throughout the Internal Affairs interview, Deputy Nunez made mention he didn't want to get Inmate [redacted] in trouble for anything she did, which was his reasoning for not telling a supervisor about any inappropriate behavior by Inmate [redacted] Deputy Nunez said he referred to Inmate [redacted] as, [redacted] or [redacted].

Deputy Nunez was questioned regarding his knowledge of any tattoos Inmate [redacted] had. Deputy Nunez said in part, "Yes I do know she has tattoos. She tattooed my last name on her index finger." Deputy Nunez said he knew the tattoo was for him although Inmate [redacted] had denied to Deputy Nunez, the tattoo referred to him. Deputy Nunez said he believed the tattoo referred to him because of, "all the talks and the affection (Refer to Deputy Nunez transcripts page 27)."

Deputy Nunez did not report this tattoo incident to any supervisor. Deputy Nunez was questioned regarding his definition of the word affection. He defined *affection* as, "Having a conversation with somebody."

Deputy Nunez claimed his partner, Deputy [redacted] had also seen the "Nunez" tattoo and he was very upset with Inmate [redacted] for having the tattoo. Deputy Nunez said he knew it was a new tattoo because he hadn't noticed it on any prior occasion. Deputy Nunez also said it looked like a fresh tattoo because of the redness around the area where the tattoo was located.

Deputy [redacted] was interviewed by Internal Affairs investigators. He denied knowledge of Deputy Nunez having sexual intercourse with Inmate [redacted] and denied threatening her with a gun. Deputy [redacted] was shown photographs of Inmate [redacted]s tattoos which he said he had never seen before. He indicated he had no knowledge of the tattoos until he learned of them as a result of this investigation.

Contrary to Deputy Nunez statements, Deputy [redacted] said Inmate [redacted] did not address him and his partner by their first names. Additionally, Deputy [redacted] said he and Deputy Nunez did not have open personal conversations in the presence of inmates, and agreed that speaking about personal issues in the presence of inmates would be an officer safety issue. Deputy [redacted] could not recall having a conversation in the presence of inmates regarding Deputy Nunez's middle name of Armando, adding he did not know Deputy Nunez's middle name was Armando.

The following interview summaries are based on statements given during audio or video recorded interviews by the subjects and witnesses. For complete and detailed statements, refer to the digital audio/video recorded files or the verbatim transcripts, which are included in this investigation.

COMPLAINANT INTERVIEW

Inmate [redacted]

On October 17, 2012 Inmate [redacted] was interviewed by Internal Affairs investigators at Chino State Prison for Women.

Inmate [redacted] was shown photocopies of the letters ICIB investigators retrieved during their investigation. [redacted] acknowledged those were the letters she wrote to Deputy Nunez. She said she was in love with Deputy Nunez but no longer had feelings for him.

She said she personally handed Deputy Nunez several letters and other letters were given to Deputy Nunez by another inmate (specifically Inmate [redacted]) on

behalf of Inmate [redacted]. Inmate [redacted] said she wrote Deputy Nunez "a lot" of letters (more than what was found by ICIB), including pictures and cards. She estimated she gave Deputy Nunez 15-20 letters.

In a letter dated October 5, 2011 **[Exhibit A page 142]**. It appears to be written with animosity toward Deputy Nunez. Inmate [redacted] said she was upset with Deputy Nunez at the time because had had promised to give her some letters from him before he went on vacation.

Regarding the allegation of Deputy [redacted] threatening her and pointing his gun at her; Inmate [redacted] relayed the same information she had told previous investigators. She said Deputy Nunez was in the van when this occurred, adding that she felt stupid because Deputy Nunez didn't say anything. She said in part, "You would think the person I just not too long ago was intimate with, when his friend does that, he would say something. But he didn't. He acted like nothing but a little punk bitch."

Inmate [redacted] said Deputy [redacted] was the only one worried about her ([redacted]) saying anything. She said Deputy Nunez didn't care because he was going to quit work anyways. Inmate [redacted] said Deputy Nunez was not concerned about receiving letters from her. She said he was the one who asked her to write them.

Inmate [redacted] said she was diagnosed with Post-Traumatic Stress Disorder after her car accident. She said she was taking anti-depressant medication and medication for nightmares and sleep loss. She said she only started taking medication after her arrest. Inmate [redacted] said she only had sexual intercourse with Deputy Nunez on one occasion, adding they both kissed on numerous occasions between May and July, 2011. She said they would kiss when she ([redacted]) was either the first person into the van, or the last person to get out of the van because if she was moved in any other order, there would be other inmates who could see them kissing.

Inmate [redacted] told Internal Affairs investigators she had not been in contact with Deputy Nunez. She said at one time she had his cell phone number but threw it away after Deputy Nunez didn't show up to court for her trial which began in mid-October, adding that she didn't get to see him for his birthday. She said his birthday was [redacted] or the [redacted] and said she had given him a birthday card. Inmate [redacted] said when she handed Deputy Nunez the birthday card; he was nearly caught by a Sergeant. She said Deputy Nunez immediately reacted and put the card inside his shirt.

> **IAB NOTE-** According to Department resources, Deputy Nunez's birthday is [redacted].

Investigators questioned Inmate [redacted] regarding her knowledge of Deputy Nunez's personal information. She said she knew he had a vasectomy, he was divorced, he had

[redacted] rode a motorcycle and he lived by himself. She also said she knew one of his [redacted] lives with him and that Deputy Nunez was going on vacation. Although Inmate [redacted] did not recall where Deputy Nunez was going on vacation, she did recall he was going to the mountains (refer to IAB transcripts of Inmate Sanchez page 30).

WITNESS INTERVIEWS

Deputy Francisco Rodarte # [redacted]

On January 2, 2013, Deputy Rodarte was interviewed by Internal Affairs investigators in the Watch Commanders' office at Transportation Bureau.

The interview was to determine if Deputy Rodarte had information regarding the allegations made against Deputy Nunez and/or Deputy [redacted] Deputy Rodarte's name was discovered by Internal Criminal Investigations Bureau investigators when they took possession of Deputy [redacted] cellular phone during their investigation. ICIB investigators located a voicemail message on Deputy [redacted] phone that said, "This is Rodarte. That shit is all over the fucking news....." The end of the message is inaudible.

Deputy Rodarte said the voice sounded like him, but he did not recall leaving the message. Deputy Rodarte said in his interview, he did not have firsthand knowledge of the allegations regarding Deputy Nunez and/or Deputy [redacted] He said it was possible that he was calling Deputy [redacted] based on a newspaper article he may have read regarding the allegations. He believed his message was to tell Deputy [redacted] to get a lawyer.

[redacted] of [redacted]

On December 10, 2012, an Internal Affairs investigator conducted a recorded telephone interview in Spanish of [redacted] [redacted] identified herself as the [redacted] of [redacted]

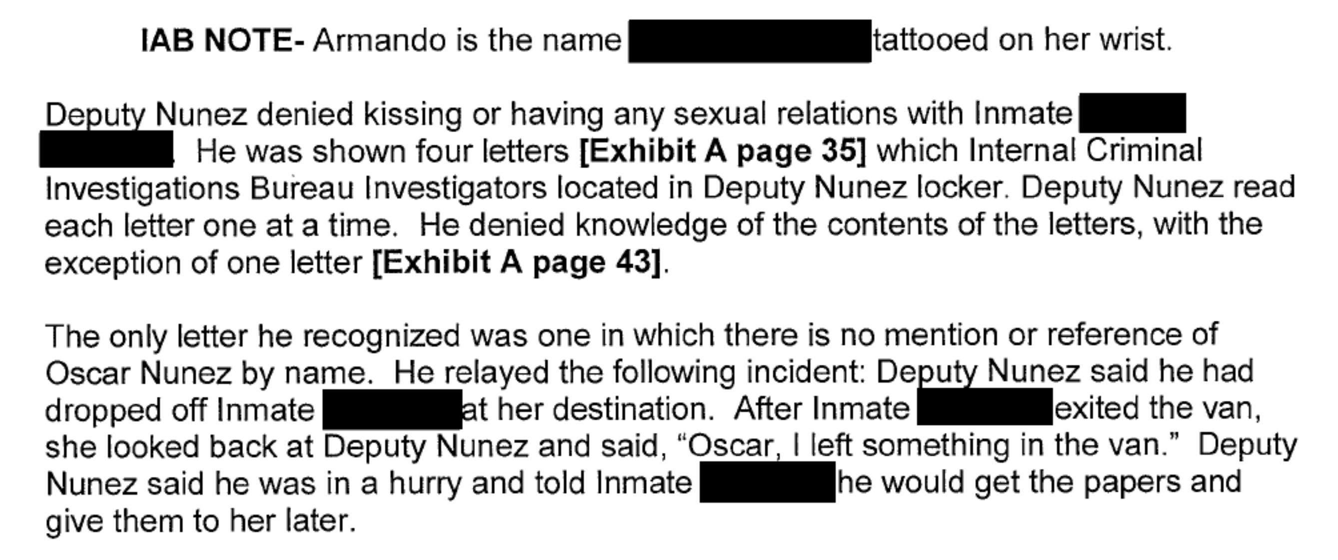
Ms. [redacted] said while [redacted] was incarcerated in the Los Angeles County Jail, [redacted] said there was a deputy who was very nice to her [redacted]. Ms. [redacted] denied knowing any specifics regarding the deputy, except to say he was the deputy who transported [redacted] to court.

Ms. [redacted] said the deputy never contacted her in any way, including any phone calls or mail correspondence.

SUBJECT INTERVIEWS

Deputy Oscar Nunez # [redacted]

Deputy Nunez was interviewed by Internal Affairs investigators on November 1, 2012. He was represented by his attorney, Adam Marangell. At the beginning of the interview Deputy Nunez was asked by Internal Affairs investigators in part, to state his *full* name. Deputy Nunez responded with, "Oscar A. Nunez." It required a follow-up question from investigators, for Deputy Nunez to say his middle name was "Armando."



IAB NOTE- Armando is the name [redacted] tattooed on her wrist.

Deputy Nunez denied kissing or having any sexual relations with Inmate [redacted]. He was shown four letters **[Exhibit A page 35]** which Internal Criminal Investigations Bureau Investigators located in Deputy Nunez locker. Deputy Nunez read each letter one at a time. He denied knowledge of the contents of the letters, with the exception of one letter **[Exhibit A page 43]**.

The only letter he recognized was one in which there is no mention or reference of Oscar Nunez by name. He relayed the following incident: Deputy Nunez said he had dropped off Inmate [redacted] at her destination. After Inmate [redacted] exited the van, she looked back at Deputy Nunez and said, "Oscar, I left something in the van." Deputy Nunez said he was in a hurry and told Inmate [redacted] he would get the papers and give them to her later.

Deputy Nunez said he retrieved the stack of papers from the van. There was one letter sticking out of the envelope which drew his attention. According to Deputy Nunez, he read the letter to ensure it didn't contain anything which would consider it contraband. He determined the letter was not contraband and placed the letter back in the envelope without reading the remainder of the letters. In regards to the letter Deputy Nunez admitted to reading, he said, "It wasn't to me. It wasn't. So I figure, okay, there's nothing really on it." He then placed the envelope containing the letters in his personal bag in the front of the van and later placed the envelope in his locker where it was subsequently found by ICIB investigators.

Deputy Nunez was questioned by Internal Affairs investigators regarding Inmate [redacted] addressing him by his first name, Oscar. In short, Deputy Nunez said Inmate [redacted] addressed him as Oscar and he didn't mind. He said he had instructed her in the past for her to address him as Deputy in the presence of other Deputies. He said he didn't mind her calling him Oscar when it was just him and his partner; such as in the transport van.

Deputy Nunez said Inmate [redacted] knew a lot of personal information about him including his middle name, Armando. He said he and his partner, Deputy [redacted], would often talk about personal life issues in the presence of inmates. Deputy Nunez said at the time, he didn't realize the inmates were listening to their (Nunez and [redacted] conversation.

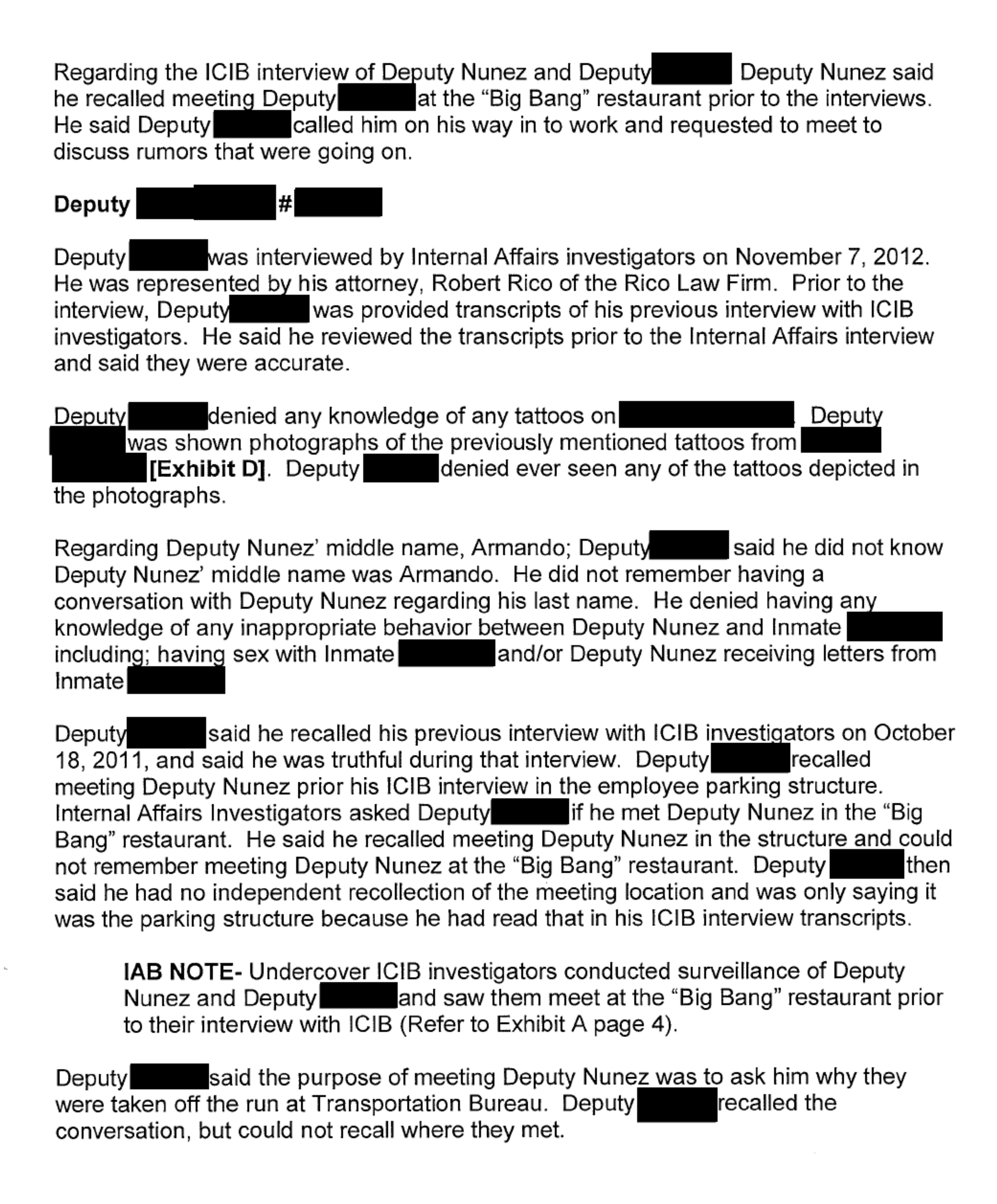
Deputy Nunez relayed another incident where another inmate handed him a greeting card on behalf of Inmate [redacted]. He said he looked at the card, thought it was inappropriate and tore it up. He did not report that incident to a supervisor. Deputy Nunez said he never reported any inappropriate behavior from Inmate [redacted] to any supervisor because he didn't want her to get in trouble and lose her privileges. Deputy Nunez said he understood that inmates lose privileges when they come to jail and he didn't want to take away what few privileges (phone calls, visits, etc.) they do have while they are incarcerated. Deputy Nunez said if he was in jail, he would want to see his [redacted] members during visits and talk to his [redacted].

Deputy Nunez was questioned regarding his knowledge of any tattoos Inmate [redacted] had. Deputy Nunez said in part, "Yes I do know she has tattoos. She tattooed my last name on her index finger." Deputy Nunez said he knew the tattoo was for him although Inmate [redacted] had denied to Deputy Nunez, the tattoo referred to him. Deputy Nunez said he believed the tattoo referred to him because of, "all the talks and the affection." Deputy Nunez did not report this tattoo incident to any supervisor. Deputy Nunez was questioned regarding his definition of the word affection. He defined *affection* as, "Having a conversation with somebody (Refer to page 27 of Deputy Nunez transcript)."

In a card found in Deputy Nunez's locker by ICIB investigators **[Exhibit A page 46 and 47]**, it is addressed to Armando from [redacted]. [redacted] is tattooed on Inmate [redacted] left ring finger (opposite finger from the Nunez tattoo which is on her right ring finger). Deputy Nunez said he didn't know Inmate [redacted] goes by the nickname, [redacted]. Several of the letters found in Deputy Nunez's locker, including the envelope were signed with the nickname "[redacted]"

> **IAB NOTE-** Inmate [redacted] said her nickname is "[redacted]." She has "[redacted]" tattooed on her left ring finger.

Deputy Nunez said he is [redacted] and has [redacted]. One is in [redacted] and another is in [redacted]. He said he owns a Harley Davidson motorcycle. He said he used to coach football and was currently a football referee. When Deputy Nunez was questioned as to how Inmate [redacted] would have known any of his personal information; he denied personally giving Inmate [redacted] the information. He said several times, Inmate [redacted] overheard personal conversations between him and his partner, Deputy [redacted]



Regarding the ICIB interview of Deputy Nunez and Deputy [redacted] Deputy Nunez said he recalled meeting Deputy [redacted] at the "Big Bang" restaurant prior to the interviews. He said Deputy [redacted] called him on his way in to work and requested to meet to discuss rumors that were going on.

Deputy [redacted] #[redacted]

Deputy [redacted] was interviewed by Internal Affairs investigators on November 7, 2012. He was represented by his attorney, Robert Rico of the Rico Law Firm. Prior to the interview, Deputy [redacted] was provided transcripts of his previous interview with ICIB investigators. He said he reviewed the transcripts prior to the Internal Affairs interview and said they were accurate.

Deputy [redacted] denied any knowledge of any tattoos on [redacted]. Deputy [redacted] was shown photographs of the previously mentioned tattoos from [redacted] **[Exhibit D]**. Deputy [redacted] denied ever seen any of the tattoos depicted in the photographs.

Regarding Deputy Nunez' middle name, Armando; Deputy [redacted] said he did not know Deputy Nunez' middle name was Armando. He did not remember having a conversation with Deputy Nunez regarding his last name. He denied having any knowledge of any inappropriate behavior between Deputy Nunez and Inmate [redacted] including; having sex with Inmate [redacted] and/or Deputy Nunez receiving letters from Inmate [redacted]

Deputy [redacted] said he recalled his previous interview with ICIB investigators on October 18, 2011, and said he was truthful during that interview. Deputy [redacted] recalled meeting Deputy Nunez prior his ICIB interview in the employee parking structure. Internal Affairs Investigators asked Deputy [redacted] if he met Deputy Nunez in the "Big Bang" restaurant. He said he recalled meeting Deputy Nunez in the structure and could not remember meeting Deputy Nunez at the "Big Bang" restaurant. Deputy [redacted] then said he had no independent recollection of the meeting location and was only saying it was the parking structure because he had read that in his ICIB interview transcripts.

> **IAB NOTE-** Undercover ICIB investigators conducted surveillance of Deputy Nunez and Deputy [redacted] and saw them meet at the "Big Bang" restaurant prior to their interview with ICIB (Refer to Exhibit A page 4).

Deputy [redacted] said the purpose of meeting Deputy Nunez was to ask him why they were taken off the run at Transportation Bureau. Deputy [redacted] recalled the conversation, but could not recall where they met.

Regarding the voice message ICIB investigators located on Deputy [redacted] phone from Deputy Francisco Rodarte, Deputy [redacted] said he had not heard the message. Deputy [redacted] said Deputy Nunez was professional with the inmates and said Deputy Nunez did not give Inmate [redacted] preferential treatment.

Deputy [redacted] denied speaking about personal issues with Deputy Nunez inside a transportation van while in the presence of inmates. Deputy [redacted] could not recall Deputy Nunez and/or Inmate [redacted] ever addressing each other by their first names.

Deputy [redacted] said he never pointed his gun at Inmate [redacted] nor did he threaten her if she divulged any information.